

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: John F. Kennedy, et al.

Appl. No.: 10/659,932

Confirm. No.: 5061

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Title: SYSTEMS AND METHODS FOR AUTOMATIC  
ENERGY ANALYSIS OF BUILDINGS

PATENT APPLICATION

Art Unit: 2125

Examiner: Carlos Ortiz-  
Rodriguez

Customer No. 23910

Declaration of Patrick J. Bailey under 37 C.F.R. § 1.132

I, Patrick J. Bailey, declare that:

1. I am an inventor named on the U.S. Patent Application Serial No. 10/659,932 and I contributed to the conception and invention of the subject matter claimed therein.

2. I have been informed by counsel that the reference California Energy Commission, "Conceptual Design Energy Analysis Tool (CDEAT) Research & Development – Final Report," June 2002 (hereinafter Final Report reference) was used to reject the claims of U.S. Patent Application No. 10/659,932.

3. I, together with John F. Kennedy and Thomas P. Conlon, authored and prepared the Final Report reference.

4. I, together with John F. Kennedy, Thomas P. Conlon, Matthew P. Gangemi and Shin-ta Huang, conceived and invented the subject matter described in the Final Report reference. Therefore, the Final Report reference describes my own prior work.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10/15/05

By:

Patrick J. Bailey